

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2013

Lyle W. Cayce
Clerk

No. 12-10667
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDUARDO ARMENDARIS-RAMOS, also known as Miguel Lara-Rodriguez,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:12-CR-3-1

Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Eduardo Armendaris-Ramos raises an argument that he concedes is foreclosed by *United States v. Newson*, 515 F.3d 374, 377-78 (5th Cir. 2008), which held that the district court may not award an additional one-level reduction under U.S. Sentencing Guidelines Manual § 3E1.1(b) absent a motion from the Government and that the Government may decline to move for the reduction based on the defendant's refusal to waive his right to appeal. Accordingly, the Government's motion for

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.